GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Home Department – Allegation of corruption against A.O. Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur – Final Report received from the Investigating Agency Examined – Initiation of Departmental action instead of Prosecution – Orders – Issued.

HOME (SC.A) DEPARTMENT

G.O.RT.No. 762 **Dated: 06-09-2019**

Read the following;

Ref:- 1. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, Final Report Lr.No.41/RCO-CIU/2012, dated.12.02.2013.
2. From Sri P.Mallikarjuna Rao, Inspector of Police (DTC), Guntur (R) , Guntur, Representation Dt.31.12.2015.
3. Govt.Memo.No.261/SC.A/A2/2012-7, Dated. 25 .08.2015.
4. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, Final Report Lr.No.41/RCO-CIU/2012, dated.10.09.2015.
5. Govt.Memo.No.261/SC.A/A2/2012-7, Dated. 28.04.2016.
6. From the Public Prosecutor, State of Andhra Pradesh,High Court of judicature of Hyderabad Lr opinion No,83/2016,dt.21.03.2017
7. Govt.Memo.No.261/SC.A/A2/2012-12, Dated. 17.02.2017
8. From the Director General, Anti Corruption Bureau, A.P., Hyderabad, Final Report Lr.No.41/RCO-CIU/2012, dated.16.08.2017.

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O R D E R:-

It was alleged that, Sri P. Mallikarjuna Rao, while working as Inspector of Police, ACB, Guntur, Vijayawada Range abused his official position with an intention to obtain pecuniary advantage for himself, conspired with the A-2 Sri Tirupathi Rao and replaced the original register pertaining to Saptagiri Wines, Chilakaluripeta (S.No.29 of Mediator's report) with the register of Sri Laxminarsimha Wines, Kazipalem-II, after obtaining the illegal gratification of Rs.3 Lakhs from A-2 and caused disappearance of evidence.

2. In the reference 1st read above, the Investigating Agency in its final report has recommended to prosecute the Accused Officer 1 Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur and Accused.2 Sri G.Tirupathi Rao in a Court of Law for the offences punishable under section 7, 13 (1) (d) read with 13 (2) of the Prevention of Corruption Act, 1988.

3. In the reference 2nd read above Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur submitted a representation bringing out his contentions against the alleged trap. Accordingly, in the reference 3rd read above, the Director General, ACB was requested to offer point wise remarks.

4. The Director General, ACB in his letter 4th read above has furnished his remarks point wise and requested for prosecution against A.O-1 and A.2.

5. In the reference 6th read above Government have obtained legal opinion on the contentions of the AO.1 Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur from the Public Prosecutor, State of Andhra Pradesh, High Court of Judicature, Hyderabad. The Public Prosecutor, State of Andhra Pradesh, High Court of Judicature, Hyderabad HAS OPINED THAT THE Crime was registered basically for the offence under section 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. The presumption as mentioned in section 20 of the said Act is not made applicable to the offences under section 13(1)(d) of the PC Act, 1988. The allegation under section 13(1)(d) shall be proved beyond reasonable doubt. Any benefit shall go to the accused and also the statements recorded is not sufficient to prosecute the

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Accused Officer for awarding the conviction. Once Section 13(1)(d) of the Prevention of Corruption Act, is not established, the other offences under section 201 and 202 IPC also may not survive independently.Accordingly opined that this is not a fit case to prosecute the Accused Officer.

6. In the reference 8th read above, the DG, ACB, has forwarded the legal opinion of the concerned Public Prosecutor in respect of Sri P.Mallikarjuna Rao, formerly IoP, ACB, Guntur. The LA cum Special Public Prosecutor for ACB cases, Vijayawada Range, Vijayawada, while justifying the issue, opined that this is not a fit case for prosecution of Sri P.Mallikarjuna Rao, formerly IoP, ACB, Guntur.

7. Government after careful examination of the final report and keeping in view of the contentions raised by the Accused Officer Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur and based on the legal opinion thereon, hereby order to initiate departmental action against the Accused Officer-I Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur on the allegation of corruption.

8. The Director General of Police, Andhra Pradesh, Mangalagiri, shall take necessary action to initiate departmental action under Rule – 20 of APCS (CC&A) Rules, 1991 against Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur on the allegation at para.2 above, duly obtaining draft articles of charges etc from the Director General, Anti Corruption Bureau, Vijayawada and submit the O.E. report to Government at an early date for taking further action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.R.M.KISHORE KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director General of Police, Andhra Pradesh, Mangalagiri.
The Director General, Anti Corruption Bureau, Andhra Pradesh , Vijayawada.
(with a request to send draft articles of charges etc. directly to the DGP for initiating disciplinary action against Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur)
Copy to: Sri P. Mallikarjuna Rao, (f) IoP, ACB, Guntur now working as DSP, Traffic,Nekkoe **through** Director General of Police, Andhra Pradesh, Mangalagiri
The Andhra Pradesh Vigilance Commission.Velagapudi.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER(SC)